

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PERCY LAVAE BACON,
#89428,

Plaintiff,

vs.

RANDY LASWELL,

Defendant.

2:09-cv-02058-PMP-PAL

ORDER

This *pro se* prisoner civil rights action by a state prisoner comes before the Court on Plaintiff's application (#2) to proceed *in forma pauperis* and his motion (#1) for an order directing the North Las Vegas Police Department to provide service information.

The Court finds that Plaintiff is unable to pay an initial partial filing fee toward the full filing fee of three hundred fifty dollars (\$350.00), pursuant to 28 U.S.C. § 1915(b)(1). The application to proceed *in forma pauperis* therefore will be granted, subject to the remaining provisions in this order.

In the motion for service information, Plaintiff seeks an order directed to the North Las Vegas Police Department (NLVPD) to provide information so that he can name and serve officers listed as John Doe defendants in the Complaint. The relief requested is premature. A prisoner civil rights action may not proceed to service until after the Court has screened the complaint and ordered that the defendant(s) respond. In the present case, Plaintiff has named NLVPD Officer Randy Laswell in his individual and official capacities. If service and a response is directed as to Defendant Laswell, Plaintiff will have an opportunity under the

1 scheduling order to conduct discovery, including discovery as to possible information needed
2 to identify and serve the John Doe defendants. In the meantime, the relief requested is
3 premature.

4 The Court will screen the Complaint under 28 U.S.C. § 1915A within the next thirty
5 days.

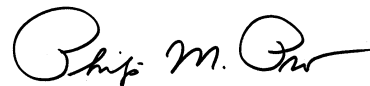
6 IT THEREFORE IS ORDERED that the application (#2) to proceed *in forma pauperis*
7 is GRANTED, subject to the remaining provisions herein. Plaintiff shall not be required to pay
8 an initial partial filing fee. However, even if this action is dismissed, the full \$350.00 filing fee
9 still must be paid pursuant to 28 U.S.C. § 1915(b)(2).

10 IT FURTHER IS ORDERED that the movant herein is permitted to maintain this action
11 to a conclusion without the necessity of prepayment of any additional fees or costs or the
12 giving of security therefor. This order granting *forma pauperis* status shall not extend to the
13 issuance of subpoenas at government expense.

14 IT FURTHER IS ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada
15 Department of Corrections shall pay to the Clerk of the United States District Court, District
16 of Nevada, 20% of the preceding month's deposits to plaintiff's account (in the months that
17 the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The
18 Clerk of the Court shall send a copy of this order to the Finance Division of the Clerk's Office.
19 **The Clerk shall also send a copy of this order to the attention of the Chief of Inmate**
20 **Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV**
21 **89702.**

22 IT FURTHER IS ORDERED that motion (#1) for an order directing the North Las Vegas
23 Police Department to provide service information is DENIED. Tthe Clerk of Court shall file the
24 Complaint but shall withhold service at this time, pending screening of the Complaint.

25 DATED: June 25, 2010.

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27 

28 PHILIP M. PRO
United States District Judge